

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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July 19, 2013

TO: Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653, lgoldzband@bcdca.gov)
Bob Batha, Chief of Permits (415/352-3612, bobb@bcdca.gov)

SUBJECT: Listing of Pending Administrative Matters
(For Commission consideration on August 1, 2013)

This report lists the administrative matters that are pending with the Commission. *Due to the cancellation of the meeting of August 1, 2013, and pursuant to Commission Regulation Section 10620(a), the Executive Director will take final action on these matters unless a Commissioner requests full Commission consideration by communicating with the staff prior to August 1, 2013. In the absence of such a request, the listed matters will be executed administratively on or after August 1, 2013.*

Administrative Permits and Federal Consistency Actions

The following administrative permit application has been filed and is presently pending with the Commission. The Executive Director will take the action indicated on the matter unless the Commission determines that it is necessary to hold a public hearing.

Applicant: East Bay Regional Park District
2950 Peralta Oaks Court
Oakland, CA 94605

BCDC Permit Application No. M2013.009.00

Filed: 07/01/2013

90th Day: 10/01/2013

Location: Within the 100-foot shoreline band, largely within an area designated as a water-front park priority use area in the *San Francisco Bay Plan* (Bay Plan Map No. 4), at Breuner Marsh and Giant Marsh within the Point Pinole Regional Shoreline, at 3800 Goodrick Avenue in the City of Richmond, Contra Costa County.

Description: Within the 100-foot shoreline band

Begin the first phase of park construction by doing the following:

1. Install, use and maintain in-kind approximately 650 feet of an approximately 6,165-foot-long, 4-foot-tall property fence with 6 to 8 inch base clearance and multiple access gates to adjacent properties to help prevent resource damage associated with trespassing from adjacent lands along the south side of the property; and
2. Remediate contaminated soils by: (a) installing a temporary silt fence; (b) excavating approximately 900 cubic yards of contaminated material over an approximately 8,100-square-foot area; (c) placing the excavated material at an authorized upland location outside of the Commission's jurisdiction; and (d) backfilling the excavated area with clean fill material and seeding the excavated area with native plants.

The project will not result in Bay fill or new public access.

Tentative Staff Position: Recommend Approval. (Ellie Knecht, 415-352-3668 or elliek@bcdca.gov)



Making San Francisco Bay Better

Permits in the Secondary Management Area of the Suisun Marsh

Solano County has issued the following marsh development permits since the last listing.

Applicant: Crown Castle
 3475 Chadbourne Road
 City of Fairfield, Solano County
 Marsh Development Permit No. MD-12-04/
 Use Permit Application No. U-12-16
 Received: 07/03/13
 20th Working Day: 07/30/13

Description: On June 20, 2013, Solano County approved Use Permit No. U-12-16 to construct a wireless communication facility serving up to three carriers at a 3,600-square-foot area located at 3475 Chadbourne Road, .75 miles south of the City of Fairfield and approximately 2.25 miles south of State Highway 12, in an unincorporated area of Solano County (APN 0046-320-190). Because the site is located in the Secondary Management Area of the Suisun Marsh, the County also approved Marsh Development Permit No. MD-12-04 for the project. The Solano County General Plan land use designation/zoning of the project site is Agricultural with a Resource Conservation Overlay and Agricultural-Suisun Marsh – 80 (A-SM-80).

The project involves installing: (1) a 105-foot-tall monopole and antennae; (2) ground equipment (including an 184-square-foot shelter and generators); (3) an eight-foot-tall security fence; (4) a 12-foot-wide, 480-foot-long access road linked to Chadbourne Road; and (5) underground utilities.

The 3,600-square-foot lease area is located within a 57-acre mostly undeveloped parcel which is used for agriculture except for approximately 2.5 acres, which have been developed with facilities, including a dog kennel, parking area, restrooms, and storage structures. According to the County, the parcel is mostly flat and does not contain marsh or wetlands. Wetlands are located about .5-mile south of the parcel boundary. Surrounding properties are rural and used for agriculture and sewage treatment. The project site is located .75 of a mile south of a scenic corridor (State Highway 12) designated in the Solano County General Plan.

The County's General Plan land use designation/zoning of the project site for agriculture allows for wireless telecommunications facilities. The General Plan requires that wireless communication facilities constructed more than .75 of a mile from a scenic corridor not exceed a height of 65 feet, though the Planning Commission has the authority to approve projects over this limit.

The General Plan's resource conservation overlay of the site's designation/zoning requires the preparation of a biological resource assessment for any development of the site. An assessment was completed in March 2013. The assessment states that no federal or state protected species were found at the site. Moreover, the site "did not support habitat for the Contra Costa goldfields due to the fact that the land had been [previously] altered..." The assessment further found that the project "would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors..."

In its evaluation of the project, the County concluded that the proposed 105-foot-tall monopole would be located “behind existing development on the property, and relative to existing trees and power poles on the property and along Chadbourne Road, the proposed silver monopole [and fence] visually blends in with the surroundings.” The County also found that the project would not impact agricultural resources because it would not involve converting land currently under cultivation or lead to the conversion of adjacent agricultural property to non-agricultural use, and that the project would not impact biological resources.

The County certified a Negative Declaration for the project in accordance with the California Environmental Quality Act (CEQA). The proposed project was found by the County to be consistent with the Suisun Marsh Preservation Act and the Solano County Local Protection Program for the Suisun Marsh because: (1) all on-site transmission lines leading to the tower will be located underground (The County’s local protection program requires the undergrounding of all electric lines in the marsh); (2) the permittee will take such measures as may be necessary to prevent offensive noise, lighting, dust, or other impacts which would impact surrounding property (the County’s local protection program requires that all development occur in a manner which minimizes impacts of earth disturbance, erosion, and water pollution); (3) the facility is located behind existing development and trees on the property and will not have significant visual impacts; and (4) upon termination of the subject marsh development permit, the proposed wireless communication infrastructure shall be removed from the site and all obsolete or unused facilities, including concrete pads, will be removed within 12 months of cessation of operations and the area regraded to natural conditions (the County’s local protection program calls for the preservation of agricultural uses in the secondary management area).

Final Notice of County approval of the project was received at the Commission’s office on July 3, 2013. Anyone who wishes to file an appeal with BCDC of the County decision must do so by 5:00 p.m. on July 30, 2013, at the Commission’s office.

(Jaime Michaels) [415/352-3613, jaimem@bcdca.gov]

- Applicant:** Grizzly Bay, LLC
 c/o Mark Dawson
 3170 Crow Canyon Place
 San Ramon, CA 94583
 Marsh Development Permit No. MD-13-01
 Received: 07/05/13
 20th Working Day: 08/01/13
- Description:** On June 20, 2013, Solano County approved Marsh Development Permit No. MD-13-01 to create 2,682 feet of creek channel habitat along a historic section of Peltier Creek, 9.50 acres of wetland habitat, and a minimum of 3.33 acres of riparian/valley elderberry longhorn beetle habitat. The channel and associated wetlands will be designed to retain and release captured overland flow from precipitation, groundwater seepage, and runoff irrigation water. The project is being undertaken to provide compensatory mitigation for permanent and temporary impacts of the Interstate 80/Interstate 680/ State Route 12 Interchange Project. The project site is in the secondary management area of the Suisun Marsh. Only a very small part of the highway project being mitigated for would fall within the secondary management area, but the highway project would affect streams leading into Suisun Marsh. Solano County’s Local

Protection Program for the Suisun Marsh has policies addressing such stream impacts. The mitigation site is part of a 43-acre parcel located approximately 1.50 miles south of the City of Fairfield. The site is relatively flat and contains former engineered (land leveled) irrigated pasture which has been used in recent years a private upland game bird hunting club. Construction on the project would commence in 2013 or 2014.

The project site is zoned Suisun Marsh Agriculture (ASM80). Conservation and mitigation banks are a conditionally allowed resource conservation land use within such zoned lands.

On December 12, 2012 Caltrans approved an addendum to the Environmental Impact Report it had certified for the Interchange Project. The addendum evaluated the environmental impacts of the proposed Suisun Creek Preserve. In addition, the U.S. Fish and Wildlife Service issued an amended Biological Opinion on April 29, 2013 which included conservation measures specific for the proposed Suisun Creek Preserve. Acting as a Responsible Agency, Solano County evaluated the information contained in these documents and incorporated recommended conservation measures in the County's marsh development permit. The proposed project was found by the County to be consistent with the Suisun Marsh Preservation Act and the Solano County Local Protection Program for the Suisun Marsh because: (1) the project's purpose is to enhance and create both wetland and riparian habitat (The County's local protection program requires the County to preserve and enhance the diversity of wildlife and aquatic habitats found in the Suisun Marsh and surrounding upland areas); (2) the project shall incorporate a number of habitat and conservation measures to protect wildlife resources (the County's local protection program requires the County to protect its marsh waterway and lowland grasslands which are critical habitat for marsh-related wildlife); and (3) the project will incorporate measures to prevent offensive noise, lighting, dust, or other construction-related impacts which would impact surrounding property (the County's local protection program requires that all development occur in a manner which minimizes impacts of earth disturbance, erosion, and water pollution).

Final Notice of County approval of the project was received at the Commission's office on July 5, 2013. Anyone who wishes to file an appeal with BCDC of the County decision must do so by 5:00 p.m. on August 1, 2013, at the Commission's office.

(Jaime Michaels) [415/352-3613, jaimem@bcdca.gov]

Regionwide Permits

The Executive Director has not issued any regionwide permits since the last listing.

Minor Amendments to Suisun Marsh Local Protection Program

The Commission has not received any amendments to the Suisun Marsh Local Protection Program for certification since the last listing.

Emergency Permits

The Executive Director has not issued any emergency permits since the last listing.